

of such State or Territory or the District of Columbia, be subject to the operation and effect of the laws of such State or Territory or the District of Columbia, enacted in the exercise of its police powers to the same extent and in the same manner as though such articles or substances had been produced in such State or Territory or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. (May 9, 1902, ch. 784, § 1, 32 Stat. 193.)

#### CROSS REFERENCES

Colored oleomargarine, intrastate sales of, see section 347 et seq. of this title.

### § 26. Omitted

#### CODIFICATION

Section, which was from the appropriation acts of Jan. 18, 1927, ch. 39, 44 Stat. 984; May 16, 1928, ch. 572, 45 Stat. 548; Feb. 16, 1929, ch. 227, 45 Stat. 1198; May 27, 1930, ch. 341, 46 Stat. 424, and subsequent Department of Agriculture Appropriation Acts to and including act June 28, 1944, ch. 296, § 4, 58 Stat. 461, and related to inspection of food and other products, is covered by section 2256 of Title 7, Agriculture.

## CHAPTER 2—TEAS

### §§ 41 to 50. Repealed. Pub. L. 104–128, § 2, Apr. 9, 1996, 110 Stat. 1198

Section 41, acts Mar. 2, 1897, ch. 358, § 1, 29 Stat. 604; May 16, 1908, ch. 170, 35 Stat. 163; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; May 24, 1962, Pub. L. 87–456, title III, § 303(a), 76 Stat. 77; Aug. 23, 1988, Pub. L. 100–418, title I, § 1214(f), 102 Stat. 1158, prohibited unlawful importation of substandard tea.

Section 42, acts Mar. 2, 1897, ch. 358, § 2, 29 Stat. 605; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; July 12, 1943, ch. 221, title II, 57 Stat. 500; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title V, § 509(b), 93 Stat. 695, related to establishment and composition of board of experts in teas.

Section 43, acts Mar. 2, 1897, ch. 358, § 3, 29 Stat. 605; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title V, § 509(b), 93 Stat. 695, authorized establishment of purity standards.

Section 44, acts Mar. 2, 1897, ch. 358, § 4, 29 Stat. 605; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title V, § 509(b), 93 Stat. 695, related to bonds of importers, examination of imported teas, and importation at ports without examiners.

Section 45, act Mar. 2, 1897, ch. 358, § 5, 29 Stat. 605, related to delivery permits and reexamination and retention of substandard teas.

Section 46, acts Mar. 2, 1897, ch. 358, § 7, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, 713, related to examiners and examination according to usages of trade.

Section 46a, acts Mar. 2, 1897, ch. 358, § 13, formerly act July 1, 1941, ch. 269, title II, 55 Stat. 478; renumbered § 13 of act Mar. 2, 1897, and amended Aug. 10, 1993, Pub. L. 103–66, title IV, § 4401, 107 Stat. 378, related to deposit of fee prior to examination.

Section 47, acts Mar. 2, 1897, ch. 358, § 6, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, 713; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053,

67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title V, § 509(b), 93 Stat. 695, required referral of disputes to United States Board of Tea Appeals and authorized board to permit delivery or order destruction or exportation of substandard teas.

Section 48, acts Mar. 2, 1897, ch. 358, § 8, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, related to reexaminations, including findings by examiner and assistance of experts.

Section 49, acts Mar. 2, 1897, ch. 358, § 9, 29 Stat. 606; May 31, 1920, ch. 217, 41 Stat. 712, related to reimporting rejected teas and forfeitures for violation of provisions.

Section 50, acts Mar. 2, 1897, ch. 358, § 10, 29 Stat. 607; May 31, 1920, ch. 217, 41 Stat. 712; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Oct. 17, 1979, Pub. L. 96–88, title V, § 509(b), 93 Stat. 695, authorized issuance of regulations.

#### EFFECTIVE DATE OF REPEAL

Section 3 of Pub. L. 104–128 provided that: “This Act [repealing this chapter] shall take effect on the date of enactment of this Act [Apr. 9, 1996].”

#### SHORT TITLE OF REPEAL

Section 1 of Pub. L. 104–128 provided that: “This Act [repealing this chapter] may be cited as the ‘Federal Tea Tasters Repeal Act of 1996.’”

#### SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Mar. 2, 1897, which was classified generally to this chapter, could be cited as the Tea Importation Act.

## CHAPTER 3—FILLED MILK

- |                                  |   |
|----------------------------------|---|
| Sec.<br>61.<br>62.<br>63.<br>64. | Definitions.<br>Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited.<br>Penalties; acts of agents deemed acts of principals.<br>Regulations for enforcement. |
|----------------------------------|---|

#### FEDERAL FOOD, DRUG, AND COSMETIC ACT

By virtue of act June 25, 1938, ch. 675, § 902(c), 52 Stat. 1059 [section 392(b) of this title], nothing contained in section 301 et seq. of this title shall be construed as in any way affecting, modifying, repealing, or superseding the provisions of sections 61 to 64 of this title.

#### BUREAU OF DAIRY INDUSTRY

General provisions, see sections 401 to 404 of Title 7, Agriculture.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 392 of this title.

### § 61. Definitions

Whenever used in this chapter—

(a) The term “person” includes an individual, partnership, corporation, or association;

(b) The term “interstate or foreign commerce” means commerce (1) between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; (2) between points within the same State, Territory, or possession, or within the District of Columbia, but through any place outside thereof; or (3) within any Territory or possession, or within the District of Columbia; and

(c) The term “filled milk” means any milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered,

dried, or desiccated, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat, so that the resulting product is in imitation or semblance of milk, cream, or skimmed milk, whether or not condensed, evaporated, concentrated, powdered, dried, or desiccated. This definition shall not include any distinctive proprietary food compound not readily mistaken in taste for milk or cream or for evaporated, condensed, or powdered milk, or cream where such compound (1) is prepared and designed for feeding infants and young children and customarily used on the order of a physician; (2) is packed in individual cans containing not more than sixteen and one-half ounces and bearing a label in bold type that the content is to be used only for said purpose; (3) is shipped in interstate or foreign commerce exclusively to physicians, wholesale and retail druggists, orphan asylums, child-welfare associations, hospitals, and similar institutions and generally disposed of by them.

(Mar. 4, 1923, ch. 262, § 1, 42 Stat. 1486.)

#### SHORT TITLE

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part that act Mar. 4, 1923, which enacted this chapter, may be cited as the "Filled Milk Act".

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 62 of this title.

### § 62. Manufacture, shipment, or delivery for shipment in interstate or foreign commerce prohibited

It is declared that filled milk, as defined in section 61 of this title, is an adulterated article of food, injurious to the public health, and its sale constitutes a fraud upon the public. It shall be unlawful for any person to manufacture within any Territory or possession, or within the District of Columbia, or to ship or deliver for shipment in interstate or foreign commerce, any filled milk.

(Mar. 4, 1923, ch. 262, § 2, 42 Stat. 1487.)

### § 63. Penalties; acts of agents deemed acts of principals

Any person violating any provision of this chapter shall upon conviction thereof be subject to a fine of not more than \$1,000 or imprisonment of not more than one year, or both. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure, of such individual, partnership, corporation, or association, as well as of such person.

(Mar. 4, 1923, ch. 262, § 3, 42 Stat. 1487.)

#### CODIFICATION

The original text of this section contained a further provision that no penalty should be enforced for any violation occurring within 30 days after act Mar. 4, 1923 became law and was omitted as temporary and obsolete.

### § 64. Regulations for enforcement

The Secretary of Health and Human Services is authorized and directed to make and enforce

such regulations as may in his judgment be necessary to carry out the purposes of this chapter.

(Mar. 4, 1923, ch. 262, § 4, as added Aug. 27, 1935, ch. 743, 49 Stat. 885; 1940 Reorg. Plan No. IV, § 12, eff. June 30, 1940, 5 F.R. 2421, 54 Stat. 1237; 1953 Reorg. Plan No. 1, § 5, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631; Pub. L. 96-88, title V, § 509(b), Oct. 17, 1979, 93 Stat. 695.)

#### CHANGE OF NAME

"Secretary of Health and Human Services" substituted in text for "Secretary of Health, Education, and Welfare" pursuant to section 509(b) of Pub. L. 96-88, which is classified to section 3508(b) of Title 20, Education.

#### TRANSFER OF FUNCTIONS

For transfer of functions of Federal Security Administrator to Secretary of Health, Education, and Welfare [now Health and Human Services], and of Food and Drug Administration to Federal Security Agency, see note set out under section 41 of this title.

## CHAPTER 4—ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

### SUBCHAPTER I—EXAMINATION OF ANIMALS, MEATS, AND MEAT AND DAIRY PRODUCTS

Sec.

71 to 99. Transferred, Repealed, or Omitted.

### SUBCHAPTER II—IMPORTATION OF CATTLE AND QUARANTINE

- 101. Suspension of importation of all animals.
- 102. Quarantine of imported animals.
- 103. Importation, except at quarantine ports, prohibited; slaughter of infected animals; appraisal; payment.
- 104. Importation of animals.
  - (a) In general.
  - (b) Penalties.
- 105. Inspection of animals.
- 106, 107. Omitted.

### SUBCHAPTER III—PREVENTION OF INTRODUCTION AND SPREAD OF CONTAGION

- 111. Regulations to prevent contagious diseases.
- 112. Investigations as to pleuropneumonia, and other diseases; regulations.
- 112a. Omitted.
- 113. Measures to prevent exportation of diseased livestock and live poultry.
- 113a. Establishment of research laboratories for foot-and-mouth disease and other animal diseases; research contracts; employment of technicians and scientists; appropriations.
- 114. Regulations for suppression of diseases; cooperation of States and Territories.
- 114a. Control and eradication of diseases; cooperation of States and farmers' associations; purchase and destruction of diseased animals; "State" defined.
- 114a-1. Interstate movement of domestic animals reacting to tests for brucellosis; immediate slaughter; rules and regulations.
- 114b. Cooperation in animal disease control.
- 114c. Use of funds.
- 114d. Sale of sterile screwworms.
  - (a) In general.
  - (b) Terms of sale.
  - (c) Deposit of proceeds.
- 114d-1. Cooperation with public and private entities.
- 114d-2 to 114d-6. Repealed.
- 114e. Control and eradication of cattle grubs; research and investigations.
- 114f. "State" defined; authorization of appropriations.